

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

J. MICHELLE EARICK,

Plaintiff,

Case No. 3:20-cv-234

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

ORDER: (1) GRANTING THE PARTIES' JOINT MOTION FOR AN AWARD OF ATTORNEY'S FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT ("EAJA") (DOC. NO. 25); (2) AWARDING PLAINTIFF \$5,140 IN EAJA FEES; AND (3) DENYING AS MOOT PLAINTIFF'S INITIAL MOTION FOR ATTORNEY'S FEES (DOC. NO. 21)

This Social Security disability benefits appeal is before the Court on the parties' joint request for attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$5,140. Doc. No. 25. The parties do not dispute that all requirements are met for a reasonable award of EAJA fees. *Id.* Therefore, the Court: (1) **GRANTS** the joint motion (Doc. No. 25) and (2) **AWARDS** Plaintiff EAJA fees in the amount of \$5,140.¹ Counsel for the parties shall verify whether Plaintiff owes a preexisting debt to the United States subject to offset, consistent with *Astrue v. Ratliff*, 560 U.S. 586 (2010). If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel. No further matters require review in this case; accordingly, it remains **TERMINATED** upon the Court's docket.

IT IS SO ORDERED.

¹ Plaintiff's initial EAJA fees motion, which predates the parties' joint motion, is hereby **DENIED AS MOOT**. Doc. No. 21.

Date: 02/18/2022

s/ Michael J. Newman
Hon. Michael J. Newman
United States District Judge